IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THURSDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 466 of 1999

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 03/02/1999 in W.P. No :36643 of 1998 on the file of the High Court.)

Between:

1. The Visakhapatnam Port Education Society,

   Represented by its Secretary & Correspondent,

   Port Area, Visakhapatnam.

2. The Visakhapatnam Port Trust,

   Represented by its Chairman, Port Area, Visakhapatnam.

..... APPELLANTS

AND

1. R.L.Narsamma.

2. The Regional Joint Director of School Education,

   Kakinada, East Godavari District.

   (R-2 is not necessary party)

.....RESPONDENTS

Counsel for the Appellants: MR.A.KRISHNAM RAJU
Counsel for the Respondent No.1: MR.KASA JAGAN MOHAN REDDY

The Court made the following :

JUDGMENT: (PER Hon'ble Mrs.Justice T.Meena Kumari)

This is an appeal filed against the order of a learned single Judge passed in W.P.No.36643 of 1998, dated 3.2.1999. The parties are referred to as they are arrayed in the writ petition.

The facts leading to filing of the writ petition were that the writ petitioner was working as a Sweeper in the Port High School (Godavari) being run by the 2nd respondent. She was appointed in 1963 on a consolidated pay and she was regularized in the year 1987 with retrospective from April 1985. At the time of regularization, she was asked to produce proof of her date of birth. She produced a medical certificate issued by King George Hospital, which certified that her age was 42 years vide certificate issued on 9.12.1987. But the date of certificate was recorded in the service register as 9.12.1980. On the basis of this date, the 2nd respondent issued a notice to the petitioner informing her that she will be retiring from service with effect from 31.12.1998 on superannuation after completing the age of 60 years. This notice was challenged by way of writ petition before the learned single Judge. During the hearing of the writ petition, the original certificate and the record had been produced. The learned single Judge observed that the certificate had been issued on 9.12.1987 and then '7' had been changed into '0' making it 9.12.1980. The petitioner had also produced a certificate from the concerned doctor who had stated that she was not at all Civil Surgeon in the King George Hospital, Visakhapatnam in the year 1980. The learned single Judge came to the conclusion that the petitioner had

produced the certificate on 9.12.1987 and not on 9.12.1980 and accordingly directed that the petitioner should be treated to be of 42 years as on 9.12.1987. The respondents were, however, given liberty if they entertain doubts about the correct age of the petitioner to hold an enquiry and give a fair chance to the petitioner to substantiate her claim.

It is contended by the learned counsel for the appellants/respondents that the writ petitioner had produced the medical certificate on 9.12.1980 and not on 9.12.1987 and as such she attained the age of superannuation in the year 1998. It is also contended that they had no interest to change the date of births of their employees and if any correction had taken place, it would have been made at the instance of the petitioner herself. Thirdly, it is contended that the learned single Judge would have ordered that petitioner be referred to a medical board in order to ascertain her correct age. All these contentions were taken into consideration by the learned single Judge who found interpolation in the certificate as has been pointed above and this interpolation was not explained by the appellants. This Court, in its writ jurisdiction, need not go into the question of that interpolation and it is for the department itself to enquire into the matter and see as to how such interpolation was made in the certificate. Therefore, liberty was also given to them, if they entertain doubts about the correct age of the petitioner to hold an enquiry and the petitioner be given a fair chance to participate in the enquiry.

For these reasons, we do not find any merit in this writ appeal. The writ appeal is accordingly dismissed. No costs.

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(T.MEENA KUMARI, J)

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(S.ANANDA REDDY, J)

03-02-2005

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To

1. The Secretary & Correspondent, Visakhapatnam

Port Education Society, Port Area, Visakhapatnam.

2. The Chairman, Visakhapatnam Port Trust,

Port Area, Visakhapatnam.

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